

M. David Graubard, Esq.
Kera & Graubard
Attorneys for Debtor
240 Madison Avenue, 7th fl
New York, NY 10016
(212) 681-1600

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re

Chapter 11
Case No. 15-10877 (SMB)

315 W 35TH ASSOCIATES LLC,

Debtor.
-----X

CERTIFICATE OF SERVICE OF NOTICE OF HEARING
ON CONFIRMATION AND VOTING ON PLAN OF REORGANIZATION;
BALLOT FOR ACCEPTING OR REJECTING AMENDED PLAN OF
REORGANIZATION; AMENDED PLAN; AND AMENDED DISCLOSURE STATEMENT

M. David Graubard, an attorney admitted to practice in the Southern District of New York hereby certifies that on July 14, 2015, he served copies of the annexed Notice of Hearing on Confirmation and Voting on Plan of Reorganization, and a Ballot for Accepting or Rejecting Amended Plan of Reorganization; together with copies of the Amended Plan and Amended Disclosure Statement on the following at their respective addresses as set forth below:

(a) by Fed Ex Ground, next business day delivery:

Office of U.S. Trustee
201 Varick St., Suite 1006
New York, NY 10014

Joshua G. Losardo, Esq.
Belkin Burden et. al.
Attorneys for Belkin Burden
270 Madison Ave., 5th fl
New York, NY 10016-0601
Michael J. Spithogiannis, Esq.
Dollinger, Gonski & Grossman
Attorneys for Motovich
P.O. Box 9010
Carle Place, NY 11514-9010

Mark Frankel, Esq.
Backenroth Frankel & Krinsky
800 Third Avenue
New York, NY 10022
Matthew G. Roseman, Esq.
Cullen and Dykman, LLP
On Behalf of NY Comm. Bank
100 Quentin Roosevelt Blvd.
Garden City, NY 11530

NYC Environmental Control Bd.
66 John St., 10th fl
New York, NY 10038-3724

Gertler & Wente Architects LLP
145 W. 30th St., 11th fl
New York, NY 10001-4031

Mazel 315 c/o Meister Seelig
Stephen Meiser and Kevin Fritz,
Esqs.
125 Park Ave., 7th fl
New York, NY 10017-5627

Robert Verrone and Iron Bound
Management LLC
600 Lexington Avenue, 30th fl
New York, NY 10022-7609
Michael J. Byrne, Esq.
Byrne & O'Neill, Atts for Gertler
11 Broadway, Suite 910
New York, NY 10002

Mazal Group
c/o Joshua R. Bernstein & Assoc.
46 Grace Ave., Suite 3N
Great Neck, NY 11021

NYC Dept. of Finance
B&A Unit
345 Adams St., 10th fl
Brooklyn, NY 11201

Motovich Holdings LLC
1100 Coney Island Avenue
Brooklyn, NY 11230

Haysha Deitsch
c/o Avi Rosenfeld, Esq.
156 Harborview South
Lawrence, NY 11559

John Young
Emmut Properties Coprp.
521 West 48th St., Suite 1A
New York, NY 10036

(b) by Fed Ex Standard Overnight Delivery

Louis Modugno, Esq.
McElroy, Deutsch, Mulvaney &
Carpenter, LLP
P.O. Box 2075
Morristown, NJ 07962-2075

Baker Hostetler
Attn: Thomas R. Lucchesi, Esq.
1900 E. 9th St., Suite 32
Cleveland, OH 44114-3485

Eric H. Zagrans, Esq.
6408 Rockside Woods Blvd
South
Cleveland, OH 44131

The Schwartz Law Firm
S&B BQ LLC
3631 Shannon Road
Cleveland, OH 44118

(c) and by Overnight Express Mail:

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

NYS Tax Commission
Bankruptcy Unit
P.O. Box 5300
Albany, NY 11205

Dated: New York, New York
July 15, 2015



M. David Graubard

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Chapter 11
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315 W 35TH ASSOCIATES LLC

Debtor.
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NOTICE OF HEARING ON CONFIRMATION
AND VOTING ON PLAN OF REORGANIZATION

PLEASE TAKE NOTICE that an order was made by the Honorable Stuart M. Bernstein, U.S. Bankruptcy Judge, on July 14, 2015 that preliminarily approved the Amended Disclosure Statement that was filed by the Debtor with the U.S. Bankruptcy Court.

PLEASE TAKE FURTHER NOTICE that the hearing on confirmation has been set for August 4, 2015 at 10:00 a.m.

Enclosed with the Notice is a copy of a Ballot, the Amended Plan of Reorganization and the Amended Disclosure Statement. All ballots must be received by the attorneys for the Debtor at the address noted below on or before July 31, 2015.

Any objections to the Amended Plan or the Amended Disclosure Statement must be served upon Kera & Graubard, attorneys for the Debtor and Debtor in Possession, at the address noted below, and upon the office of the U.S. Trustee, 201 Varick Street, Suite 1006, New York, NY 10014, so that the same is received on or before July 31, 2015 and any such objection must be filed with the Honorable Stuart M. Bernstein, U.S. Bankruptcy Court, One Bowling Green, New York, NY 10004 on or before July 31, 2015.

Dated: New York, New York
July 14, 2015

KERA & GRAUBARD, Attorneys for
Debtor and Debtor in Possession

By: 

M. David Graubard (MDG 5442)
240 Madison Avenue, 7th fl
New York, NY 10016
(212) 681-1600

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Kera & GraubardBALL
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New York, NY 10016
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

Chapter 11
Case No. 15-10877

315 W 35TH ASSOCIATES LLC,

Debtor.
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**BALLOT FOR ACCEPTING OR REJECTING
AMENDED PLAN OF REORGANIZATION**

315 W 35TH Associates LLC ("Debtor") filed an Amended Plan of Reorganization dated July 8, 2015 ("Plan") in this case. The Court has preliminarily approved the Debtor's Amended Disclosure Statement with the Amended Plan ("Disclosure Statement"). The Disclosure Statement provides information to assist you in deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a copy from M. David Graubard, Kera & Graubard, 240 Madison Avenue, 7th fl, New York, NY 10016, (212) 681-1600. Court approval of the Disclosure Statement does not indicate approval of the Plan by the Court.

You should read the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. The Plan can be confirmed by the Bankruptcy Court and thereby made binding on you if it is accepted by the holders of two-thirds in amount and more than one-half in number of claims that are impaired and that vote on the Plan. In the event the requisite acceptances are not obtained, the Bankruptcy Court may nevertheless confirm the Plan, if the Court finds that the Plan affords fair and equitable treatment to the objecting class. To have your vote count, you must complete and return this ballot.

If your ballot is not received by Kera & Graubard, 240 Madison Avenue, 7th fl, New York, NY 10016 on or before July 31, 2015 at 5:00 p.m. and such deadline is not extended, your vote will not count as either an acceptance or rejection of the Plan.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote.

The undersigned, a Class _____ creditor of the Debtor in the amount of
\$ _____ hereby

☐

accepts

☐

rejects

the Amended Plan dated July 8, 2015 filed herein by the Debtor.

July _____, 2015

Name of Creditor

By: _____
Signature

Print Name and Title of Person
Signing Ballot

Address: _____

INSTRUCTIONS

- A. Please complete form in full.
- B. To vote for the Plan, mark "accepts." To vote against the Plan, mark "rejects."
- C. Fill in date when this ballot is signed by you.
- D. Fill in the amount of your claim.
- E. Sign ballot. If a corporation, ballot must show the corporate name and be signed by an officer or authorized agent; if a partnership, by a partner; if an LLC, ballot must show the full name and be signed by a managing member or manager; if an individual by that individual.
- F. **Then immediately mail ballot to: Kera & Graubard, 240 Madison Avenue, 7th floor, New York, NY 10016.**

Do Not Delay – Ballot must be received before July 31, 2015